

*The long-term goal of the CTFDID is a Colorado in which there are no new victims from instances of drunk or impaired driving.*

# *2018 Annual Report*





## Table of Contents

Senate Bill 06-192	i
Mission and Vision	1
Executive Summary	2
Membership and Representatives	3
Colorado Task Force on Drunk and Impaired Driving 2018 Key Recommendations	4
The Impact of Impaired Driving- Sam Shelton	7
Program Management & Strategic Planning Work Group	8
Communications Work Group	9
Criminal Justice Work Group	10
Impaired Driver Intervention and Treatment Work Group	13
Prevention Work Group	14
Program Evaluation & Data Work Group	16
CTFDID photo	18
Resources	19

In 2006, Colorado Senate Bill 06-192 created the Interagency Task Force on Drunk Driving (ITFDD) in response to the tragic death of Sonja Marie DeVries who was killed in 2004 by an impaired driver. The driver had been convicted of impaired driving on six previous occasions. Since its inception in 2006, the ITFDD has brought together executive leaders from government and other organizations that have an interest in reducing instances of impaired driving.



In 2014, the Interagency Task Force on Drunk Driving was changed to the Colorado Task Force on Drunk and Impaired Driving by Colorado House Bill 14-1321.



This page is intentionally left blank



# Mission

The mission of the Colorado Task Force on Drunk and Impaired Driving is to support the prevention, awareness, enforcement and treatment of drunk and impaired driving in Colorado through strong partnerships with public, private and non-profit organizations.

# Vision

The vision of the Colorado Task Force on Drunk and Impaired Driving is a Colorado in which key stakeholders work in partnership to achieve a fully integrated solution to the problem of impaired driving.



Visit our website at:

<https://www.codot.gov/safety/alcohol-and-impaired-driving/assets/about/committees/DUI-taskforce>

## Executive Summary



It is my honor to represent the Colorado Association of Chiefs of Police as chairman of the Colorado Task Force on Drunk and Impaired Driving. The mission of this Task Force is to investigate methods of reducing the incidents of drunk and impaired driving through prevention, public awareness, enforcement, and intervention/treatment. Equally as important, members of this group are a resource to the legislature and other states to offer expertise and provide professional background on matters related to impaired driving.

The Task Force includes and encourages participation from a variety of diverse partners and stakeholders and individuals from different functions or disciplines that bring relevant perspectives and experiences to the group. These stakeholders bring innovative ideas and plans forward through each of the following working groups:

- ❖ Program Management/Strategic Planning
- ❖ Communications
- ❖ Criminal Justice
- ❖ Impaired Driver Intervention & Treatment
- ❖ Prevention
- ❖ Program Evaluation & Data

These exceptional teams work to develop plans and then present to the entire Task Force for input and adoption. This annual report for the State of Colorado is a living document designed to accomplish the mission of the Task Force and to be fluid and adaptable based upon future data, trends and forecasts.

Within this annual report you'll find the 2018 accomplishments of the Task Force and its six work groups. You will also find the goals this group will tackle in 2019.

Sincerely,

Chief Robert L. Ticer, Chair  
Colorado Task Force on Drunk and Impaired Driving



## CTFDID Membership

### Members

- Colorado Department of Transportation – Glenn Davis (Vice-Chair)
- Colorado State Patrol –Colonel Matthew Packard
- Colorado Department of Revenue, Driver’s License Sanctioning – Benjamin Mitchell
- Colorado Department of Revenue, Liquor Enforcement – Patrick Maroney
- State Court Administrator’s Office – Judge Edward Casias
- State Public Defender’s Office – Daniel Gagarin
- Colorado Department of Human Services, Office of Behavioral Health, DUI Substance Abuse Treatment – Christine Flavia
- Colorado Department of Human Services, Office of Behavioral Health, Minors Substance Abuse Treatment – Katie Wells
- State Court Administrator’s Office, Division of Probation Services – Susan Colling
- Colorado Department of Public Health and Environment – Jeff Groff
- Colorado Peace Officers Standards and Training Board – Erik Bougerie

### Representatives

- Statewide Association of Chiefs of Police – Chief Robert Ticer, Loveland Police Department (Chair)
- Statewide Organization of County Sheriffs – Chief Deputy Steve Johnson, Douglas County Sheriff’s Office
- Family Member of a Victim of Drunk or Impaired Driving – Jennifer Tracey/Julie Nackos
- Mothers Against Drunk Driving – Fran Lanzer, State Executive Director
- Statewide Organization of District Attorneys – Ben Whitney, 19<sup>th</sup> Judicial District
- Colorado Criminal Defense Bar – Abe Hutt
- On-Premise Alcohol Beverage Retailers – Paul Aylmer, Colorado Restaurant Association
- Off-Premise Alcohol Beverage Retailers – Vacant
- Alcoholic Beverage Distributors – Gene Giron, Miller Coors
- Alcoholic Beverage Manufacturers – Andrew Lemley
- A Person Under 24 who is Enrolled in a Secondary or Postsecondary School – Vacant
- Colorado Association of Addiction Professionals – Joyce Smith, Creative Treatment Options
- Statewide Organization of Retail Marijuana for Consumption Off Premises – Kristi Kelly, Marijuana Industry Group
- Researcher Who Specializes in the Field of Impaired Driving - Dr. David Timken, Center for Impaired Driving Research and Evaluation

## Colorado Task Force on Drunk and Impaired Driving Key 2018 Recommendations

The CTFDID encourages a thorough and comprehensive examination of the 5 nanogram limit in **C.R.S. 42-4-1301** which defines influence from tetrahydrocannabinol. The CTFDID is comprised of subject matter experts available to participate in the examination to determine if the limit is appropriate or necessary. See Chart 1 and Chart 2 on the following pages for data.

The CTFDID will work collaboratively with state agency stakeholders to identify ways to ensure sustainable funding for the Colorado Department of Transportation Highway Safety Office to fund local High Visibility Impaired Driving Enforcement. Working with stakeholders, the Task Force will identify possible funding alternatives or formula adjustments that protect appropriate enforcement dollars. Current funding mechanisms do not meet the actual impaired driving enforcement needs.

The CTFDID recommends a study to determine the viability of devices that allow law enforcement to detect drug presence during roadside sobriety investigations.

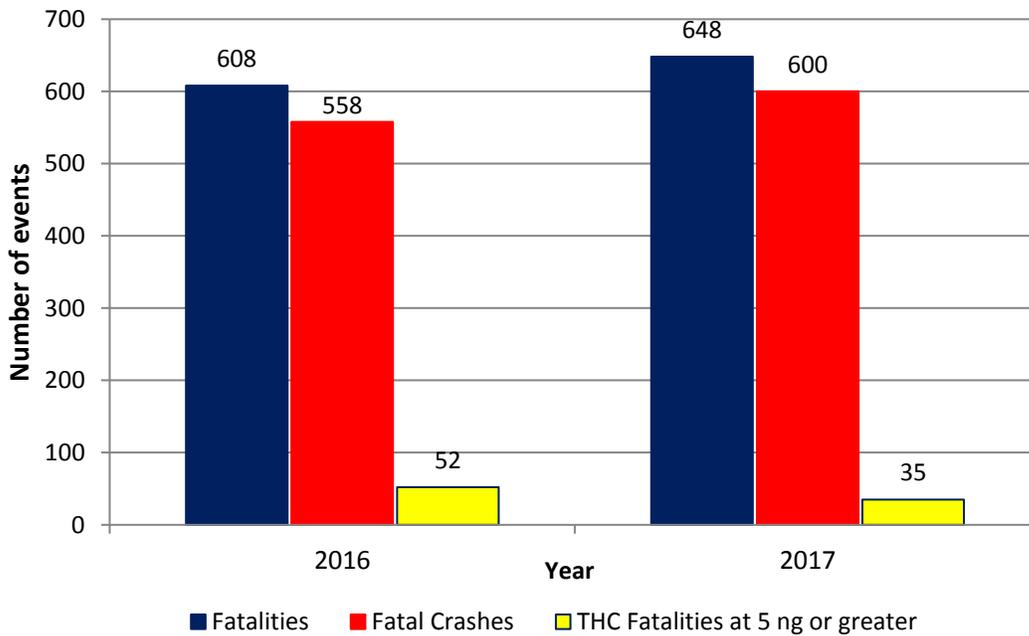
The CTFDID strongly advocates for a Primary Seat Belt Law. A Primary Seat Law is the most effective way to directly reduce roadway injuries and fatalities. Of the 410 Passenger Vehicle Occupant Fatalities in 2017, 54% were unrestrained.





### Chart 1

**Motor vehicle fatalities, fatal crashes, and Delta-9 THC (5 ng or greater) fatalities, Colorado, 2016-2017**

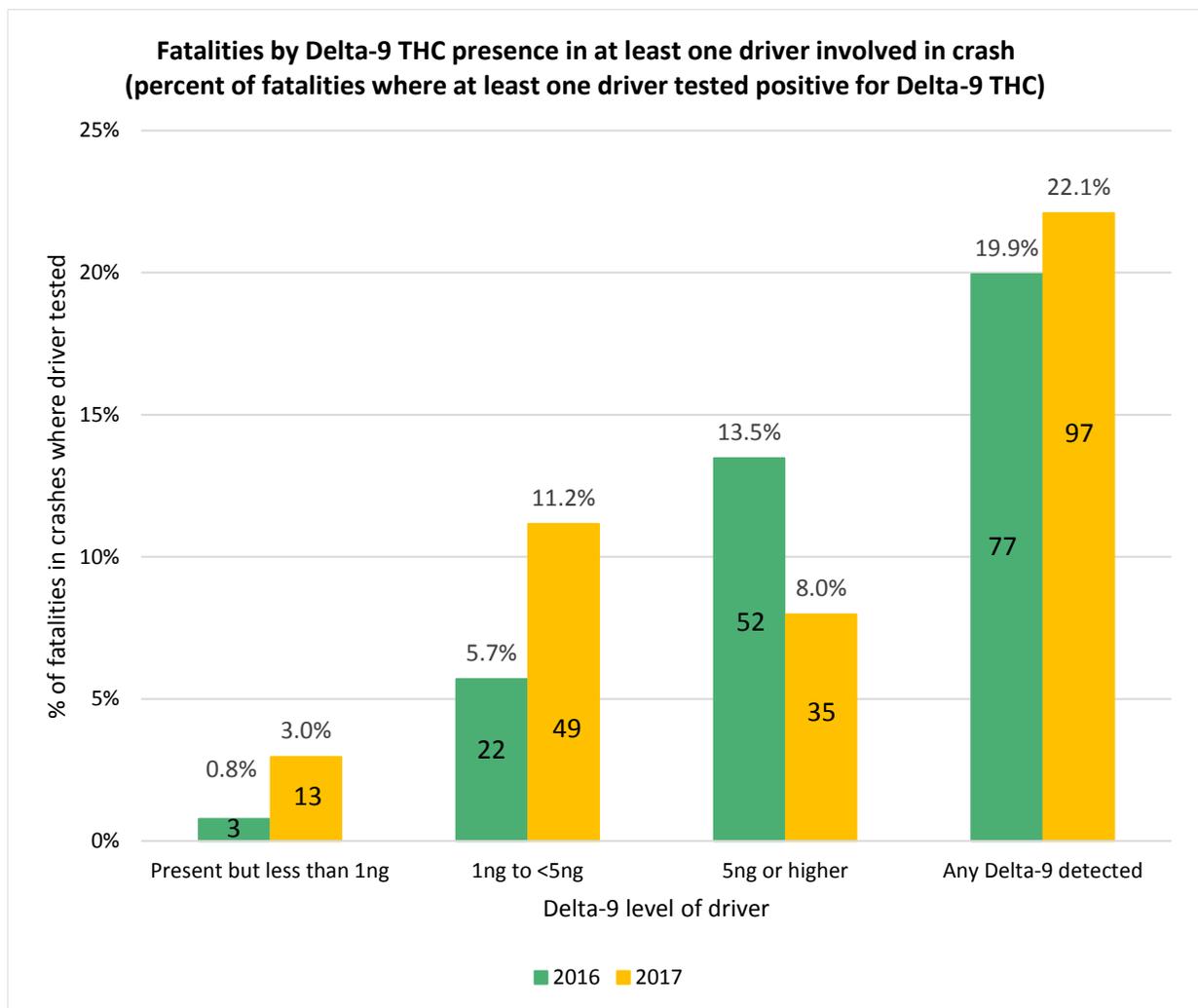


	2016	2017
Fatalities	608	648
Fatal Crashes	558	600
Delta-9 THC Related Fatalities 5 ng or above	52	35

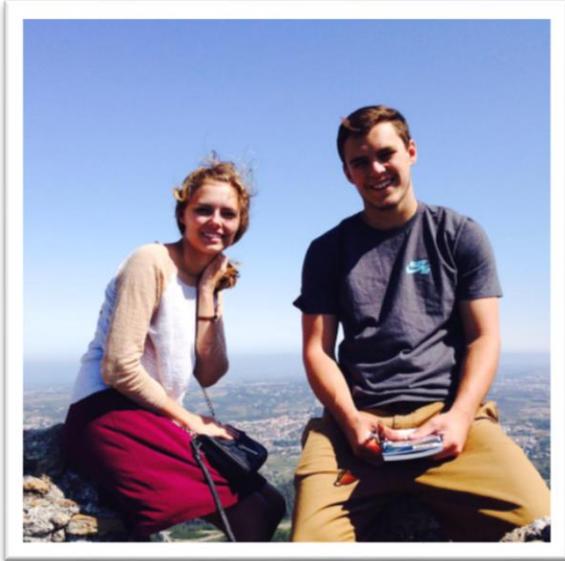
Source: Colorado Department of Transportation, Data Intelligence Group, Toxicology Data Fatalities with drivers testing positive 5 ng or greater Delta-9 THC. Only active forms of THC, such as Delta-9, can cause impairment. Uniform reporting did not begin until 2016.

## Chart 2

***Fatalities by Delta-9 THC presence in at least one driver involved in crash (percent of fatalities where at least one driver tested positive for Delta-9 THC)***



## The Impact of Impaired Driving - Sam Shelton



*Clara Shelton's 18 year old brother, Sam, was killed by an impaired driver in Jefferson County, CO. The crash occurred November 15, 2015 but due to his injuries, Sam was in a coma for 10 weeks prior to his death. Sam and his friends were returning to the University of Colorado following a fun weekend in the mountains. The crash was caused by another driver who was under the influence of drugs and alcohol, and traveling at a high rate of speed when he crossed the middle lane crashing into the car in which Sam was a passenger. The other young men in the car survived.*

*"He was a bright, charismatic, funny and vibrant kid who was just starting to become an adult. He was a friend to everyone he met and he has left a huge impact on the world. I can't begin to describe how this has affected my life. It is a part of every moment of my waking and sleeping life. Everything reminds me of my brother. Even years later, he is present in everything I do."*

*Clara Shelton, Sam's sister*





## Program Management & Strategic Planning Work Group

The Program Management and Strategic Planning Work Group ensures that the Colorado Task Force on Drunk and Impaired Driving (CTFDID) is properly represented by strong leadership and that meetings and sub-committees utilize sound policy development, program management, strategic planning, and an effective communication program.

### **In 2018, the Program Management and Strategic Planning Committee:**

- ❖ Provided information on traffic safety initiatives and countermeasures to facilitate data-driven discussions
- ❖ Created meeting agendas
- ❖ Facilitated CTFDID meetings and working group meetings
- ❖ Sought out and arranged for presentations from subject matter experts
- ❖ Created and distributed the final CTFDID annual report
- ❖ Coordinated activities with local Impaired Driving Task Forces
- ❖ Secured resources and informed CTFDID partners and stakeholders on resource availability
- ❖ Oversaw and implemented a comprehensive communications program that coincides with the mission and vision of the CTFDID
- ❖ Confirmed that all legislative requirements of the CTFDID were completed, including vetting new representatives for appointment
- ❖ Provided materials and on-boarding for new members and representatives.
- ❖ Represented the CTFDID at legislative committees and hearings
- ❖ Presented to groups seeking information on best practices and innovation to address impaired driving

## Communications Work Group

### *“The Heat Is On”* DUI Prevention and Awareness 2018 Campaign Overview

#### DUI Enforcement Periods

The CDOT Highway Safety Office provides funding to Colorado law enforcement for impaired driving enforcement, education and awareness campaigns. *The Heat Is On* campaign runs throughout the year with 14 specific, high-visibility impaired driving enforcement periods centered on national holidays and large public events. CDOT promotes these heightened enforcement efforts with earned media outreach and social media promotion before and after each enforcement period.

#### Summer Breathalyzer Campaign

As part of the 2018 *The Heat Is On* campaign, CDOT launched a program to incentivize the purchase of breathalyzers in Colorado and ultimately help reduce impaired driving and DUIs. Through a first-of-its-kind partnership with BACtrack, the leading personal breathalyzer company, breathalyzers were offered at an unprecedented 50 percent discount for Colorado residents.



*An eye-catching creative campaign, using location-specific messages, encouraged all Coloradans to use a breathalyzer anytime and anywhere alcohol is consumed.*

- ❖ Between July and September 2018, BACtrack sold 2,866 discounted breathalyzers.
- ❖ In partnership with [Responsibility.org](http://Responsibility.org) 200 units were distributed, at no cost, to Coloradans ages 21 to 34, encouraging breathalyzer use among young adults.
- ❖ Colorado BACtrack.com breathalyzer sales in 2017-18 are the highest in the nation. In Amazon.com sales, Colorado ranks second per capita in 2017-18 and higher than any other state in 2016-17.
- ❖ Colorado ranks first in per capita breathalyzer use at more than four times the national average.
- ❖ CDOT brought breathalyzer street teams to various events around the state; allowing attendees to test a breathalyzer for themselves. Events included the Colorado Springs Beer Fest, the Colorado Renaissance Festival, Taste of Colorado, Velorama, Film on the Rocks at Red Rocks as well as Geeks Who Drink trivia nights. Altogether, CDOT conducted approximately 1,200 breathalyzer tests during the summer.

The campaign utilized both paid marketing and a public relations approach to increase awareness. The campaign garnered over 40 million views from an array of tactics, including: Pandora ads, billboards, in-bar jukeboxes and coasters, street teams, digital ads, influencer content, and social media ads on Facebook and Instagram. Outreach to the news media on the enforcement periods and the breathalyzer program resulted in over 1,000 stories from print, broadcast and online media sources. This resulted in over 75 million public views.

Social Media Activity achieved a “click-through” rate of 0.14%, far above the industry average of 0.09%. Overall, Facebook provided 40,557 clicks, 2219 reactions, 681 shares and 567 comments.



## Criminal Justice Work Group

### **Possible legislative initiatives that may have an impact on impaired driving:**

There are two potential legislative initiatives in the upcoming session that may have implications for traffic safety. The first initiative involves delivery of cannabis products from a dispensary to the end user at home. Information from the Colorado Department of Revenue, Marijuana Enforcement Division indicates that these deliveries are already happening, as a large black market in Colorado. The second initiative is for cannabis “tasting rooms” or “consumption clubs.” The group agreed that this would affect traffic safety since the existence of these establishments would almost certainly result in cannabis consumers partaking in cannabis outside the home then driving. The group agreed that the CTFDID should monitor these legislation initiatives.

### **This work group recommends that the CTFDID begin discussions on:**

❖ **Law Enforcement Phlebotomist Program:**

Erik Bourgerire, Director of Colorado Peace Officer Standards and Training (POST), will look into what would be needed to establish such a program and potential costs.

❖ **Drug Identification Refresher:**

This Criminal Justice Work group will explore if there is a need for impaired driving refresher training for Colorado Peace Officers that are not at the level of drug recognition experts (DRE).

❖ **Oral Fluid Testing**

❖ **Statewide e-Warrants**

❖ **Chemical Test Restitution**

*The Criminal Justice Work Group is seeking involvement from active law enforcement, the criminal defense community and the public defender’s office to participate in future work group meetings.*

## Drug Evaluation Classification Program



Drug Recognition Experts (DRE) are law enforcement officers who have been trained to identify drivers impaired by drugs. A trained DRE performs an evaluation of a suspected drug-impaired driver to determine the level of impairment and the categories of drug(s) that may have been used. The CTFDID supports the work of this program in its efforts to prevent drug-impaired driving.

Colorado currently has 215 certified DREs serving in 72 law enforcement agencies.



DRE State Coordinator Carol Gould and Lt. Jad Lanigan presented the 2018 DRE of the Year Award to Officer Kevin Deichsel for his on-going leadership and dedication to the DRE program.



In 2018, the Highway Safety Office (HSO) expanded the DRE training program to include a One Year Later Conference. The conference attendees included graduates of the 2017 DRE Program, NHTSA Region 8 Representatives, and a presentation from Breckenridge Chief of Police Jim Baird.



Albert Graham, NHTSA Regional 8 Program Manager, presented at the first DRE One Year Later Conference.

Additional DRE training and education opportunities in 2018 included regional based instruction at five locations in the State of Colorado: Ft. Morgan, Lakewood, Pueblo, Durango and Rifle. The training was attended by 128 SFST Instructors and 67 DREs. The HSO also partnered with the Denver Police Department to offer 10 DRE certification nights. The certification nights afford DREs the opportunity to demonstrate their proficiency with the 12-step drug influence evaluation process.



## Impaired Driver Intervention and Treatment Work Group

The primary focus of the Impaired Driver Intervention and Treatment Work Group in 2018 has been to guide the successful implementation of the new level of DUI treatment service Level II Four Plus.

The Colorado Department of Human Services, Office of Behavioral Health, with the support of the Impaired Driver Intervention and Treatment workgroup, launched Level II Four Plus in mid-2017. This new treatment model was developed in response to felony DUI legislation passed in 2015 requiring a more comprehensive and effective treatment structure for those individuals who have had four or more impaired driving (DUI/DWAI) offenses, whether they were a felony or misdemeanor. By having treatment focus only on assessed clinical needs, and treatment completion focused on achievement of phases and competencies, individuals have the ingredients necessary to make lasting behavior change, resulting in increased public safety on our roadways.

The work group has had many accomplishments in 2018, including:

- ❖ Increased the number of agency sites offering Level II Four Plus to 102, with sites in virtually every judicial district in Colorado
- ❖ Implementation of web-based tools to support Level II Four Plus providers
- ❖ Training of many DUI system stakeholders on Level II Four Plus
- ❖ Developing and implementing Level II Four Plus phases and competencies to better guide successful completion of treatment

Work group goals for 2019 include:

- ❖ Develop and distribute a companion appendix to the Level II Four Plus competencies that will promote clarity and consistency
- ❖ Continue to provide stakeholder training as well as identify and resolve implementation issues
- ❖ Address financial challenges individuals have in paying for Level II Four Plus treatment services

### Legislative recommendation:

The work group recommends a legislative initiative in 2019 that would increase the minimum Persistent Drunk Driver (PDD) surcharge from \$100 to \$200; with increases in PDD revenue prioritized toward PDD offender services, enabling this high risk population to have a greater opportunity for success in fulfilling their requirements.



## Prevention Work Group

### **Recommendations of the Prevention Work Group**

The Prevention Workgroup recommends the following four points, reviewed by the National Academies<sup>1</sup>, for inclusion in the 2018 Annual Report of the Colorado Task Force on Drunk and Impaired Driving.

#### **1. Promote primary seat belt law.**

The Prevention Workgroup recommends strengthening Colorado's secondary seat belt law to a primary seat belt law requiring all passenger vehicle occupants to wear a seat belt and allowing for primary enforcement for non-restraint use by anyone in the vehicle.

- ❖ In 2016, 52 percent of all passenger vehicle fatalities in Colorado were unrestrained.
- ❖ Colorado's seat belt laws are complicated, varying based on the age of the driver and passengers, making it difficult to enforce.
- ❖ Colorado is ranked 40<sup>th</sup> in the nation in seat belt use.
- ❖ No other countermeasure would have a more immediate effect on reducing traffic fatalities and injuries on Colorado roadways.

#### **2. Support policies and programs that increase the availability, convenience, affordability, and safety of transportation alternatives for drinkers who might otherwise drive.**

The Prevention Workgroup recommends the need to undertake a study to determine the resources necessary to create an "Alternative Ride Liaison" position at the State level. The study will investigate if the creation of a position is feasible and if there are other ways to accomplish the goals listed below.

- ❖ Gather information on all types of existing alternative ride programs. Information should include both non-profit and for-profit ride services in Colorado and nationwide. Various funding sources will be an important part of this library.
- ❖ Gather information about all the concomitant issues that might be barriers to using alternative rides, such as overnight parking, retrieving vehicle the next day, parking tickets, etc.
- ❖ Organize and cross-reference this information in a manner such that anyone in any jurisdiction in Colorado can access it, specific to local needs: by

---

<sup>1</sup> Getting to Zero Alcohol-Impaired Driving Fatalities: A Comprehensive Approach to a Persistent Problem, National Academies of Science, National Academies Press, 2018.



population; by rural/urban; by for-profit/non-profit; by availability (all the time or only certain hours or only certain days).

- ❖ Provide information to any jurisdiction, when requested.
- ❖ Promote the already-existing alternative ride programs in various jurisdictions throughout the State.

**3. Increase education and awareness through school-based education programs.**

- ❖ Increase flow of information to school-based centers regarding primary seat belt laws and alternative rides.
- ❖ Increase use of social media outlets regarding alternative rides and primary seat belt laws, specific to new and young drivers.
- ❖ Identify locally funded prevention providers, in order to disseminate information specific to primary seat belt laws and alternative rides.

**4. Promote responsible beverage service and server training.**

- ❖ Work with the Communications Workgroup to create and implement an educational campaign to inform alcohol and cannabis retailers of the benefits of incorporating responsible beverage server training in their business.
- ❖ Work with community-level prevention coalitions to implement or promote responsible beverage server training at a local level, using campaign assets mentioned above.
- ❖ Explore the feasibility of pressing policy (local and/or state) mandating responsible beverage and cannabis service training for businesses.
- ❖ Coordinate with local law enforcement to promote existing responsible beverage service training available to retailers.

*In addition to the recommendations reviewed by the National Academies, the Prevention Work Group is also recommending that the CTFDID should investigate increasing membership to include geographical representation from the rural communities in Colorado, including the Eastern plains, Southwest, Northwest, and Mountain resort areas”.*



## Program Evaluation & Data Work Group

The Division of Criminal Justice published a new report, “***Driving Under the Influence of Drugs and Alcohol***” pursuant to House Bill 17-1315 in 2018. This report included court outcomes and toxicology results, when available, for over 27,000 case filings associated with driving under the influence (DUI) or driving while ability impaired (DWAI). It is important to note that despite the shortcomings of data that were addressed by the report there are still limitations to DUI data. For example, there are not toxicology results for all DUI suspects and alcohol is frequently the only substance for which the driver is tested. Despite this, the CTFDID Program Evaluation & Data Group supports efforts to make the content within the report more digestible and useful to stakeholders. This may include the creation of briefs that include data points not included in the report and the creation of a dashboard that permits customizable data exploration by the public.

Over the past year, there were new developments in accessing additional data on fatal crashes. These additional datasets include:

- ❖ Current up-to-date fatal crash information, which is important for the task force to make timely data-informed decisions. Previously the task force had to wait almost a year before the data were finalized and released from the previous year
- ❖ The second data set includes drug test results from a driver involved in a fatal crash allowing the CTFDID to review and assess the specific drug and level of drug present in the driver at the time of the fatal crash.

The Colorado Department of Revenue (DOR) in collaboration with the Statewide Traffic Records Advisory Committee (STRAC) revised the Traffic Crash Report (DR3447) in 2018. The new report includes fields to collect information on impairment due to suspected use of marijuana and/or other drugs. The change to the form will provide complete and timely data on suspected causes of impaired driving. The new form will be distributed and implemented across the state in the spring of 2019. Each agency will have a grace period of one calendar year from the time of implementation to continue using the DR 2447 before the DR 3447 will be required.

Over the years, the Task Force has identified that the most impactful measure to reduce drunk and impaired driving in Colorado is intervention at the “decision point” an individual makes to get behind the wheel when impairment is a factor. Individuals are not always



equipped with enough information to make an informed decision after the consumption of alcohol and many times may not realize the level of impairment they are experiencing.

The work group proposes that a pilot program be initiated through the Colorado Department of Public Health and Environment (CDPHE) Evidential Breath Alcohol Testing (EBAT) Program to provide, install, and maintain Preliminary Breath Testing (PBT) devices at local on premise alcohol retailers to include bars and restaurants. This would provide patrons the ability to check their breath alcohol level at the most critical “decision point”; prior to driving.

There are a number of potential benefits to initiating a pilot program like this that include, but are not limited to:

- ❖ Individual’s ability to know their current BrAC.
- ❖ A reduction in the potential liability of the establishment by providing a resource to their customers.
- ❖ Provision of alternate ride options and contact information.
- ❖ Collection of data-based metrics to evaluate effectiveness through anonymous surveys.
- ❖ Reductions in DUI arrests and an increase in injury prevention.

Funding to initiate this pilot project may be able to be obtained from the CDPHE pending approval. Support of this initiative from the CTFDID will assist in developing the necessary partnerships between the public and private sectors.



Christine Demont, CDPHE, Major David Santos, CSP, Glenn Davis, CDOT. Alisa Babler, CDOT and Lindsay Markham. CDOR.

***Members of the CTFDID were utilized as subject matter experts in creation and delivery of Colorado's update of the Officer Crash Investigation Form and Handbook.***



## Resources

### Quick Links

<https://noduicolorado.org/resources/>

### Community Resources

[Materials and Toolkits](#)

[Colorado Research](#)

[Other Useful Links](#)

[Phone App Downloads](#)

[Level II Four Plus Treatment](#)

[Mental Health and Substance Abuse Resources](#)

### Local/National Links

[National Organization Links](#)

[Support Groups](#)

[Persistent Drunk Driver Committee Links](#)

[Local Links](#)

[Statewide Traffic Records Advisory Committee \(STRAC\)](#)

### Information for Policy Makers

[State Court Administration Data](#)

[Marijuana and Driving](#)

[Colorado Task Force on Drunk & Impaired Driving Colorado](#)

[DUI/Sobriety Courts in](#)

[Law Enforcement Information](#)

[Impairment Related Laws](#)

[State Groups Focusing on Impaired Driving](#)

[The Persistent Drunk Driver \(PDD\) Committee](#)